

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

GREENACTION FOR HEALTH AND  
ENVIRONMENTAL JUSTICE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE  
NAVY et al.,

Defendants.

Case No. 3:24-cv-3899-VC

**DECLARATION OF DAVID  
MITCHELL IN SUPPORT OF  
FEDERAL DEFENDANTS' MOTION  
TO DISMISS PLAINTIFF'S FIRST  
AMENDED COMPLAINT**

I, David Mitchell, pursuant to the provisions of 28 U.S.C. § 1746, declare under penalty of perjury, that the statements contained herein are true and correct.

1. I am a Trial Attorney for the United States Department of Justice and am counsel of record for Defendants Department of the Navy and United States Environmental Protection Agency ("EPA") in this action. I submit this declaration in support of the Federal Defendants' Motion to Dismiss Plaintiff's First Amended Complaint.

2. A true and correct copy of the Federal Facility Agreement for Naval Station Treasure Island-Hunters Point Annex is attached as Exhibit A.

3. A true and correct copy of EPA's Comprehensive Five-Year Review Guidance, OSWER No. 9355.7-03B-P, is attached as Exhibit B.

Executed October 31, 2024, in Washington, D.C.

By: David Mitchell  
DAVID MITCHELL